

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Ariel Leon,

Plaintiff(s),

vs.

Wynn Las Vegas, LLC, d/b/a Wynn Las Vegas  
Resort & Casino,

Defendant(s).

Case No. 2:24-cv-00714-ART-BNW

**ORDER GRANTING MOTION FOR  
EXEMPTION FROM EARLY NEUTRAL  
EVALUATION CONFERENCE (ECF NO.  
17) AND VACATING THE PREVIOUSLY  
SCHEDULED ENE (ECF NO. 15)**

Defendant Wynn Las Vegas, LLC filed a *Motion for Exemption from Early Neutral Evaluation Conference* (“Motion”) which is currently scheduled on October 15, 2024. ECF Nos. 15 and 17. The defendant represents that the ENE would be futile because it believes the suit is time barred, defendant has a pending motion to dismiss, and it does not intend to offer any money to settle this case. ECF No. 15. The plaintiff did not file a response to the Motion. The defendants certified that they served the pro se plaintiff by mail at the address listed on the docket. ECF No. 17 at 4. The Court GRANTS the Motion and VACATES the ENE. “The failure of a moving party to file points and authorities in support of the motion constitutes a consent to the denial of the motion.” LR 7-2(d). Although the plaintiff is pro se, he is expected to participate in this case. Since he did not respond to the Motion, he has consented to granting the motion. The Court also finds that based on the defendants’ representations in the Motion, holding an ENE in this case would be a waste of scarce judicial resources.

**IT IS ORDERED** that:

1. Defendant’s *Motion for Exemption from Early Neutral Evaluation Conference* (ECF No. 17) is GRANTED.

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiffs must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel.

Dated: September 18, 2024

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